

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

YVONNE L MURPHY

Plaintiff,

V.

STATE OF GEORGIA, et al.,

Defendants.

CIVIL ACTION NO. 5:15-CV-72 (MTT)

ORDER

Before the Court is Plaintiff Yvonne Murphy's motion for leave to appeal in forma pauperis. (Doc. 11). "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3); see also Fed. R. App. P. 24(a)(3). "A party demonstrates good faith by seeking appellate review of any issue that is not frivolous when examined under an objective standard." *Ghee v. Retailers Nat. Bank*, 271 F. App'x 858, 859 (11th Cir. 2008) (citing *Coppedge v. United States*, 369 U.S. 438, 445 (1962)).

In her motion, the Plaintiff contends her “issues on appeal” are “violation of due process under the 14th amendment; unlawful controlling of the docket; [and] denial of jury trial.” (Doc. 11 at 1). More specifically, the Plaintiff alleges that “[t]he court changed the caption of [the] case from Department of Public Safety; Hancock County Georgia, agency to State of Georgia et al in a fraud upon the court.” (Doc. 11 at 1).

“An issue is frivolous when it appears that ‘the legal theories are indisputably meritless.’” *Ghee*, 271 F. App’x at 859 (citation omitted). Seeking appellate review of the “unlawful controlling of the docket” and the “changing of the caption” is frivolous because the legal theory is “indisputably meritless.” (Docs. 7; 7-2; 11 at 1). As the Eleventh Circuit has noted, “[t]he caption is chiefly for the court’s administrative convenience.” *Marsh v. Butler Cnty., Ala.*, 268 F.3d 1014, 1023 n.4 (11th Cir. 2001), *abrogated on other grounds*, *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). Because the Plaintiff’s in forma pauperis motion and notice of appeal suggest that she does not seek appellate review of a nonfrivolous issue, her appeal is not taken in good faith.

The Plaintiff’s motion for leave to proceed on appeal in forma pauperis is **DENIED**. Any further requests to proceed in forma pauperis on appeal should be directed, on motion, to the United States Court of Appeals for the Eleventh Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

SO ORDERED, this 8th day of June, 2015.

S/ Marc T. Treadwell
MARC T. TREADWELL
UNITED STATES DISTRICT COURT